

## **FACTSHEET**

**TITLE:** **SPECIAL PERMIT NO. 2021**, requested by Truax Homes, for authority to operate an early childhood center for 100 children in an R-T Residential Transition district, on property generally located at South 56<sup>th</sup> Street and Waltz Road.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 06/11/03  
Administrative Action: 06/11/03

**STAFF RECOMMENDATION:** Deferral; however, conditions of approval were provided.

**RECOMMENDATION:** Conditional Approval, with amendments (8-0: Larson, Steward, Carlson, Bills-Strand, Duvall, Krieser, Taylor and Schwinn voting 'yes').

### **FINDINGS OF FACT:**

1. This application is for an early childhood center for 100 children, with a request to waive the requirement that facilities with 31 or more children shall have frontage on an arterial street.
2. The staff recommendation of deferral is based upon the "Analysis" as set forth on p.4-6, concluding that the application generally conforms to the Comprehensive Plan, Zoning Ordinance and Design Standards; however, a drainage channel improvement requirement of previous permits appear to be unmet. Therefore, final approval of this permit should require the completion of pre-existing obligations.
3. The applicant's testimony is found on p.10-11, including proposed amendments to the conditions of approval as set forth in the staff report (See p.24). The applicant indicated that the playground area was moved to the front of the building in response to a meeting held with the neighbors.
4. The staff did not object to moving the requirements for an approved evacuation plan, building plans and re-plat from being completed prior to scheduling the City Council hearing to prior to receiving building permits. However, staff was opposed to the requested deletion of Condition #3.2 concerning the Beal Slough improvements. Dennis Bartels of Public Works & Utilities agreed to move Condition #3.2 to being a requirement prior to occupancy as opposed to a requirement prior to receiving building permits. (See Minutes, p.10-11).
5. There was no testimony in opposition.
6. On June 11, 2003, the Planning Commission voted 8-0 to recommend conditional approval, with the amendment as requested by the applicant, except that Condition #3.2 was moved to Condition #4.1 as opposed to being deleted (See p.8).
7. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** July 7, 2003

**REVIEWED BY:** \_\_\_\_\_

**DATE:** July 7, 2003

**REFERENCE NUMBER:** FS\CC\2003\SP.2021

# LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 11, 2003 PLANNING COMMISSION MEETING

**\*\*As Revised by Planning Commission: 6/11/03\*\***

**P.A.S.:** Special Permit #2021  
Country Plaza Early Childhood Center

**PROPOSAL:** To permit an early childhood center in an R-T Residential Transition district.

**LOCATION:** Approximately 56<sup>th</sup> Street and Waltz Road.

**WAIVER REQUEST:** Waive the requirement that facilities with thirty-one or more children shall have frontage on an arterial street.

**LAND AREA:** 4.19 acres

**CONCLUSION:** This application generally conforms to the Comprehensive Plan, Zoning Ordinance, and Design Standards. However, requirements of previous permits appear to be unmet. Therefore, final approval of this permit should require the completion of pre-existing obligations.

<b><u>RECOMMENDATION:</u></b>	<b>Deferral until June 25, 2003</b>
<b>Waive arterial street frontage</b>	<b>Deferral until June 25, 2003</b>

## **GENERAL INFORMATION:**

### **LEGAL DESCRIPTION:**

Lot 1, and Outlot A, Country Plaza 2<sup>nd</sup> Addition, located in the NE 1/4 of Section 17-9-7, Lancaster County, Nebraska.

**EXISTING ZONING:** R-T Residential Transition

**EXISTING LAND USE:** Commercial

### **SURROUNDING LAND USE AND ZONING:**

North:	Undeveloped	R-1 Residential
South:	Commercial	R-T Residential Transition
East:	Commercial	H-4 General Commercial
West:	Single-Family dwellings	R-2 Residential

**HISTORY:**

- Oct 2002      Administrative Amendment #02079 to Special Permit #1855 approved the addition of 14 parking spaces, shifting building envelopes to the north, revised shape of constructed wetland, and relocation of a sign envelope.
- Apr 2002      Administrative Amendment #02005 to Special Permit #1855 approved the addition of a pass-through lane to the bank, and adjusted the boundary of Outlot A.
- Apr 2002      Administrative Amendment #02004 to Use Permit #138 approved moving building envelope locations, relocating the boundary for Outlot A, and adjusting parking lot locations.
- May 2001      Change of Zone #3306 approved changing some of the area from R-1 Residential and R-2 Residential to R-T Residential Transition.
- May 2001      Use Permit #138 approved the construction of 6 5,000 sq. ft. office/medical buildings and associated parking. Use Permit #138 superceded and replaced Use Permit #131.
- Nov 2000      Change of Zone #3269 re considered at the request of the Mayor, and approved the changes except for the R-T area, and placed Use Permit #131 on pending.
- Oct 2000      Change of Zone #3269, Use Permit #131, and Special Permit #1855 all approved, changing the zoning from R-1 Residential and R-2 Residential to H-4 General Commercial and R-T Residential Transition, approved 44,000 square feet of Planned Service Commercial on the east side of Beal Slough and 35,000 square feet of medical/office buildings on the west side of Beal Slough. The Change of Zone and Use Permit were re-considered at the request of the Mayor.
- May 1979      This property was changed from A-1 Single-Family Dwelling and A-2 Single-Family Dwelling to R-1 residential and R-2 Residential.

**COMPREHENSIVE PLAN SPECIFICATIONS:**

The Future Land Use Plan shows this area as Urban Residential. (F 25)

**TRAFFIC ANALYSIS:**

South 56<sup>th</sup> Street is identified as a Minor Arterial both now and in the future. (E 49, F 103)

**Minor Arterials:** This functional class serves trips of moderate length and offers a lower level of mobility than principal arterials. This class interconnects with, and augments principal arterials, distributes traffic to smaller areas, and contains streets that place some emphasis on land access. These are characterized by moderate to heavy traffic volumes. (F 103)

**ENVIRONMENTAL CONCERNS:**

The proposed child care facility is located on the west side of Beal Slough. The only access is by Waltz Place, which crosses Beal Slough. The 100-year flood plain information appears to indicate that the flood water will cross this street and bridge and isolate the child care facility during 100-year or higher events. Safety issues raised by the potential for flooding include distraught parents attempting

to cross a flooded roadway and bridge in an effort to reach their children, as well as difficulty for emergency/rescue personnel to access the daycare. Applicant must submit documentation for the approval of the Lincoln-Lancaster County Health and Fire Departments to resolve these concerns.

### **ALTERNATIVE USES:**

Use Permit #138 allows this structure to be used as an office/medical building.

### **ANALYSIS:**

1. This is an application to permit an early childhood center in an R-T Residential Transition district. This use would be located in a structure currently designated under Use Permit #138 as office/medical. Chapter 3.9 of the Design Standards, Design Standards for Early Childcare Facilities, also applies.
2. A special permit for an early childcare facility may be granted pursuant to LMC §27.63.070, which provides:

Early childhood care facilities may be allowed by special permit in the AG, AGR, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, O-1, O-2, O-3, R-T, H-4, I-1, I-2, or I-3 zoning districts under the following conditions:

(a) The application shall be accompanied by the following information:

(1) The number of children and number of staff members on the largest shift;

This is a facility designed for 100 children and a maximum of 15 staff per shift.

(2) A physical description of the facility and a site plan drawn to scale that includes, but is not limited to, the location and arrangement of parking spaces, the traffic circulation pattern, loading and unloading areas, fencing, play area, and entrances/exits to such facility.

A site plan has been submitted with all necessary data.

(3) If the proposed facility is for twenty-one or more children and is located in a residential district, the application must also include a conversion plan which complies with the design standards for early childhood care facilities.

This facility is located in an R-T Residential Transition district. The R-T district is not a residential district for the purposes of this provision.

(b) Prior to occupancy, such facilities shall comply with all applicable state and local early childhood care and building requirements.

This is a condition of approval.

(c) Facilities with twenty-one to thirty children shall be located on collector or arterial streets. Facilities with thirty-one or more children shall be located on an arterial street. The location of such facilities on such streets shall comply with the design standards for early childhood care facilities.

The Design Standards require that the lot have frontage along an arterial street. This facility is addressed off of South 56<sup>th</sup> Street, however, the lot does not front on South 56<sup>th</sup> Street. Therefore, Applicant has asked for a waiver of this requirement.

(d) The site plan and play area for such facilities shall comply with the design standards for early childhood care facilities.

With the exception stated in (c) above, the site plan and play area appear to meet the Design Standards.

(e) The parking and loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code. In residential districts, such parking and loading/unloading area shall comply with the design standards for early childhood care facilities.

This facility is located adjacent to three buildings designated as office/medical buildings. Pursuant to LMC §27.67, each of these three buildings require 23 parking stalls, for which 69 stalls are shown. The proposed childcare facility requires 25 stalls (1/employee on largest shift plus 1/10 children), for which 23 are shown. The joint parking provisions of LMC §27.67 are not applicable to the R-T district. Therefore, two additional parking stalls are required.

(f) If the proposed facility is located in an industrial district, the applicant shall submit to the Health Department, for its review and recommendation, information on the storage and use of hazardous chemicals in the vicinity, evacuation plans and internal air quality control.

The proposed facility is not located in an industrial district.

(g) The City Council may modify these conditions, except for condition (b).

Based upon this provision, Applicant has asked to waive the requirement in paragraph (c) above that the lot have frontage along an arterial street.

3. Applicant must submit documentation for the approval of the Lincoln-Lancaster County Health and Fire Departments to resolve safety concerns related to the potential for flooding.
4. If a conservation easement exists over the outlots to protect the tree mass, as is indicated on the drawings, the playground area should be revised to be located in such a way that no existing trees are removed.
5. The playground area for the proposed childcare facility is shown on Outlot B. This arrangement is not acceptable. The building and playground area for the proposed childcare facility should be located on the same lot.
6. Use Permit #138 should be amended to change the designation for this building from office/medical to childcare facility.
7. Provided the conditions of approval are met, specifically those dealing with channel work to Beal Slough, the Planning Department does not object to waiving the requirement that the lot have frontage along an arterial street, since access to the facility is a private roadway through a commercial area and not through a residential neighborhood.
8. The Fire Department recommends denial of this application for the reason that the applicant has not submitted plans to the Building and Safety Department to check the building for compliance for use as a childcare facility.

9. Comments are attached from the Public Works and Utilities Department, Watershed Management Division, Lincoln-Lancaster County Health Department, Police Department, Fire Department, and Parks and Recreation Department.
10. Additional corrections to the submitted drawings are required. These corrections are listed in the conditions section below.
11. The shell of this building has been constructed. Additional permits and inspections will be required for the interior of the building, as well as a Health Department review for the childcare use.

### **CONDITIONS:**

#### Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
  - 1.1 Revise the site plan to show:
    - 1.1.1 Revised Developer and Owner of Record list with proper information.
    - 1.1.2 Revised lot, block, and outlot designations according to their legal description.
    - 1.1.3 Identification of the parking stalls provided for the childcare facility staff and clients.
    - 1.1.4 The required number of parking stalls for the childcare facility staff and clients.
    - 1.1.5 Specify "drop-off only" parking spaces directly in front of the main entrance so that children do not cross through the parking lot to enter the facility.
    - 1.1.6 All applicable notes from Special Permit #1855 and Use Permit #138 must be included under the General Notes heading for this special permit.
    - ~~1.1.7 The building and playground area for the childcare facility located on the same lot, as approved by a filed plat. (\*\*Per Planning Commission, at the request of the applicant, 06/11/03\*\*)~~
    - 1.1.8 Relocate the playground area such that no existing trees are removed.
  - 1.2 Revise the grading plan to show:

- 1.2.1 The elevation of flood waters during a 100-year event, as well as the elevation of the roadway and bridge surfaces.
  - 1.2.2 The length of time necessary for flood waters of a 100-year event to recede to a level making passage over the roadway and bridge safe.
- 1.3 Revise the landscape plan with a substitute for the Snowdrift Crabapple tree species.
- 1.4 Revise the utility plan to show the location of the public water main as requested to be constructed adjacent to Lots 4, 5, and 6 (legally described as Lots 2, 3, and 4, Country Plaza 2<sup>nd</sup> Addition).
- ~~1.5 Provide documentation for the approval of the Lincoln-Lancaster County Health and Fire Departments to resolve safety concerns related to the potential for flooding. (**\*\*Per Planning Commission, at the request of the applicant, 06/11/03\*\***)~~
- 1.6 Obtain approval of an administrative amendment to Use Permit 138 to change the designation of this building from office/medical to childcare facility.
- ~~1.7 Obtain approval and filing of a plat showing the building and playground area for the childcare facility on the same lot. (**\*\*Moved to Condition #3.5 below, per Planning Commission, at the request of the applicant, 6/11/03\*\***)~~
- ~~1.8 Submit building plans acceptable to the Building and Safety Department and Fire Department to review for compliance for use as a childcare facility. (**\*\*Moved to Condition #3.8 below, per Planning Commission, at the request of the applicant, 6/11/03\*\***)~~
2. This approval permits a childhood care facility for up to 100 children.

General:

3. Before receiving building permits for the interior of the building:
  - 3.1 Provide documentation regarding the conservation easement over the outlots shown on the drawings. If no such easement exists, one must be established pursuant to Special Permit #1855, Use Permit #138, and according to the notes on the submitted drawings for this special permit.
  - ~~3.2 Pursuant to Special Permit #1855, Use Permit #138, and sheet 3A to be submitted, complete the improvements to the Beal Slough channel as shown on sheet 3A and in compliance with the Beal Slough Basin Stormwater Master Plan. (**\*\*Moved to Condition #4.1 below, per Planning Commission, at the request of the applicant and agreed upon by staff, 6/11/03\*\***)~~

- 3.3 The permittee shall have submitted a revised **final** plan including 5 copies and the plans are acceptable.
  - 3.4 The construction plans shall comply with the approved plans.
  - 3.5 ~~Final Plans shall be approved by the City~~ Obtain approval and filing of a plat showing the building and playground area for the childcare facility on the same lot. (**\*\*Per Planning Commission, at the request of the applicant, 6/11/03\*\***)
  - 3.6 The operation and the premises are to meet appropriate local and state licensing requirements, including compliance with health codes.
  - 3.7 Provide an "Emergency Evacuation Plan" for the approval of the Lincoln-Lancaster County Health and Fire Departments to resolve any safety concerns related for the potential for flooding. (**\*\*Per Planning Commission, at the request of the applicant, 6/11/03\*\***)
  - 3.8 Submit building plans acceptable to the Building and Safety Department and Fire Department to review for compliance for use as a childcare facility. (**\*\*Per Planning Commission, at the request of the applicant, 6/11/03\*\***)
4. Before receiving occupancy permits:
- 4.1 Pursuant to Special Permit #1855, Use Permit #138 and Sheet 3A to be submitted, complete the improvements to the Beal Slough channel as shown on Sheet 3A and in compliance with the Beal Slough Basin Stormwater Master Plan. (**\*\*Per Planning Commission, 6/11/03\*\***)

STANDARD CONDITIONS:

- 5. The following conditions are applicable to all requests:
  - 5.1 Before occupying the early childhood center all development and construction shall have been completed in compliance with the approved plans.
  - 5.2 All privately-owned improvements shall be permanently maintained by the owner.
  - 5.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 5.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 5.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period



may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

6. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Greg Czaplewski  
Planner

**Date:** June 4, 2003

**Applicant:** Truax Homes  
4750 Normal Blvd.  
Lincoln, NE 68506  
323.8208

**Owner:** Same as Applicant.

**Contact:** Brian D. Carstens and Associates  
Brian Carstens  
601 Old Cheney Road, Ste. C  
Lincoln, NE 68512  
434.2424

# SPECIAL PERMIT NO. 2021

## PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 11, 2003

Members present: Larson, Steward, Carlson, Bills-Strand, Duvall, Krieser, Taylor and Schwinn.

Staff recommendation: Deferral

Ex Parte Communications: None

Greg Czaplewski of Planning staff submitted proposed amendments to the conditions of approval submitted by the applicant.

### Proponents

**1. Brian Carstens** appeared on behalf of **Truax Homes**. This is a special permit for an early childhood care facility in R-2 zoning in a building currently under construction. The use permit and special permit were approved a couple of years ago. The applicant did have a neighborhood meeting and the neighbors expressed concern about the playground being adjacent to the building to the south with noise in their back yards. In response, the applicant has moved the playground to the front with a 6' sidewalk around the turnaround. The playground will be fenced with a 6' vinyl fence and is located out of the floodplain.

Carstens noted that the floodplain was a concern and that the box culvert will have 1' of water over it during the 100 year event. In the event of a 100-year flood, the neighbor to the west has agreed to allow access through a gate in the fence.

The special permit is for 100 children, with a request to waive the requirement for lot frontage on an arterial street, which is a typical waiver in a center of this size.

Carstens requested to amend the conditions of approval, moving some of the Site Specifics to requirements prior to building permit. This will allow the application to move forward to City Council sooner and they do desire to have the center open for the fall school season. Carstens believes that staff is in agreement with the amendments, except the request to delete Condition #3.2 which requires completion of the improvements to the Beal Slough channel before receiving building permits. There are some cost sharing negotiations occurring in the next couple of weeks between Lyle Loth, Public Works and the NRD on the Beal Slough improvements. Carstens believes the negotiations and these improvements will take months and he requested that Condition #3.2 be deleted.

Carlson inquired whether there is any pedestrian access to the west towards the neighborhood. Carstens responded, stating that the building is built into the hill, but you will be able to go around the building and up, with a gate in the fence that separates the day care from the neighbors. There is no way to walk the kids down to the day care. The traffic will be on 56<sup>th</sup> and Old Cheney Road.

Steward is concerned about the emergency access. It seems a little loose to just have a gate in a neighbor's fence and a general agreement. Carstens pointed out that the conditions of approval require the submittal of an emergency evacuation plan and it will require an easement that is recorded with the Register of Deeds. Steward was then satisfied.

There was no testimony in opposition.

#### Staff questions

Steward asked staff to respond to the proposed amendments to the conditions of approval. Czaplewski advised that the staff would not oppose the request to move the certain conditions from Site Specific to before receiving building permits. Typically, in the past, it has been the policy of previous City Councils to have those things worked out before the application is heard by the City Council. However, in this case there will be other departmental review and the staff is willing to make that change.

However, the staff is opposed to the deletion of Condition #3.2 concerning the Beal Slough improvements because that was a requirement of a previous permit. The staff believes that the work should be done before additional permits are granted for this property. The emergency evacuation plan was a concern raised by Building & Safety. The reason the staff had initially recommended deferral was to give the applicant time to work on that plan. Carstens has now described the evacuation plan and as long as it is satisfactory to Building & Safety and Fire, staff would be willing to move that condition, also.

Steward inquired of Public Works regarding the Beal Slough improvements--is it possible that this can all be negotiated and agreed upon? Dennis Bartels of Public Works indicated that he would be willing to move that condition to be a requirement before occupancy as opposed to prior to building permit. The original special permit required this work to be done by the developer and there was no mention until the last few days about the cost sharing. As long as it gets done, he is willing to move the condition to prior to occupancy, but he wants it clear that he is not recommending a waiver of that condition. It should not be deleted.

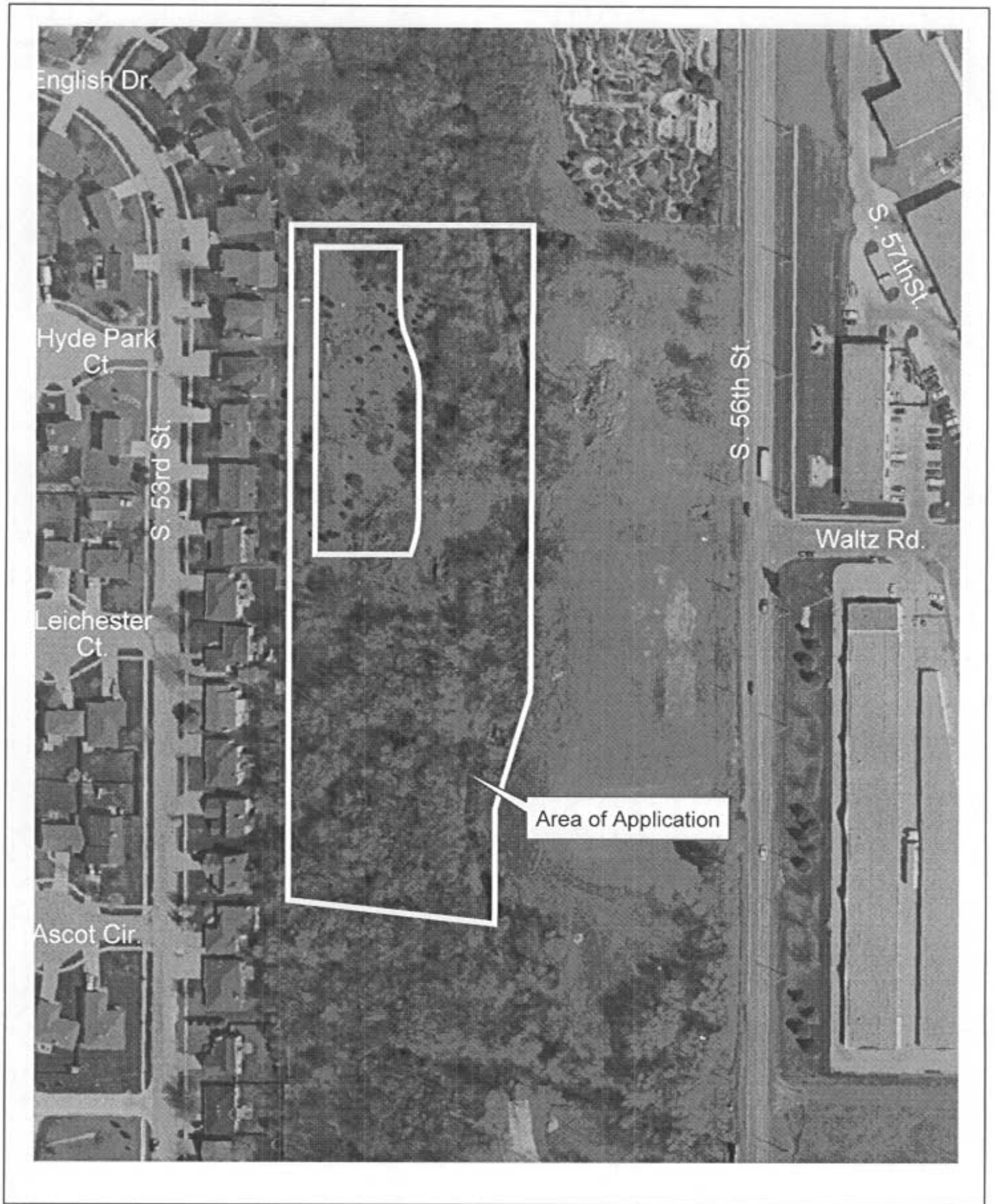
#### Response by the Applicant

Carstens indicated that he would be agreeable to moving the Beal Slough condition to a requirement prior to occupancy.

#### **ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

June 11, 2003

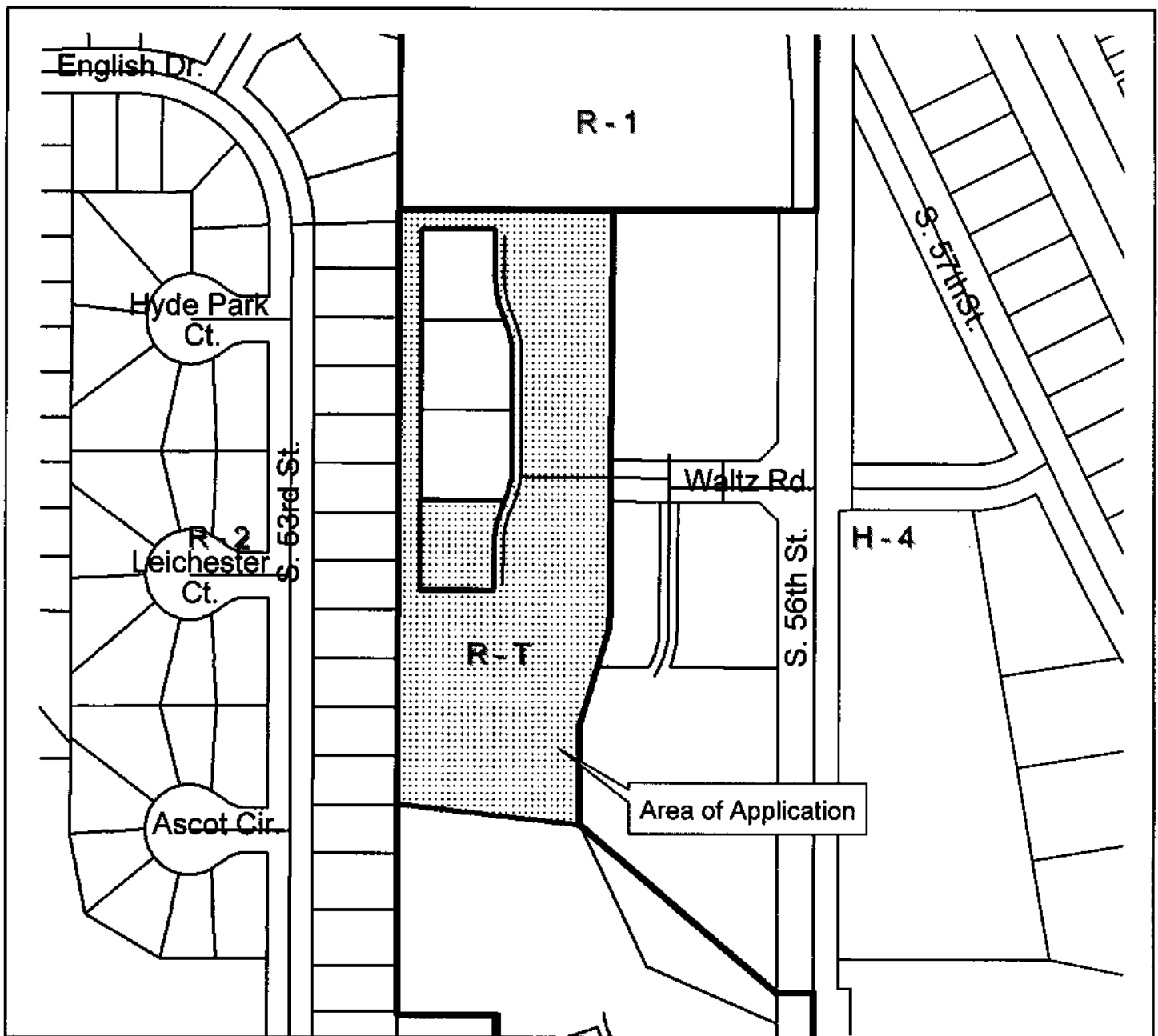
Carlson moved to approve the staff recommendation of conditional approval, with the amendments as requested by the applicant, except that Condition #3.2 be moved to "before occupancy" as opposed to being deleted, seconded by Bills-Strand and carried 8-0: Larson, Steward, Carlson, Bills-Strand, Duvall, Krieser, Taylor and Schwinn voting 'yes'.



**Special Permit #2021  
S. 56th & Waltz Rd.**



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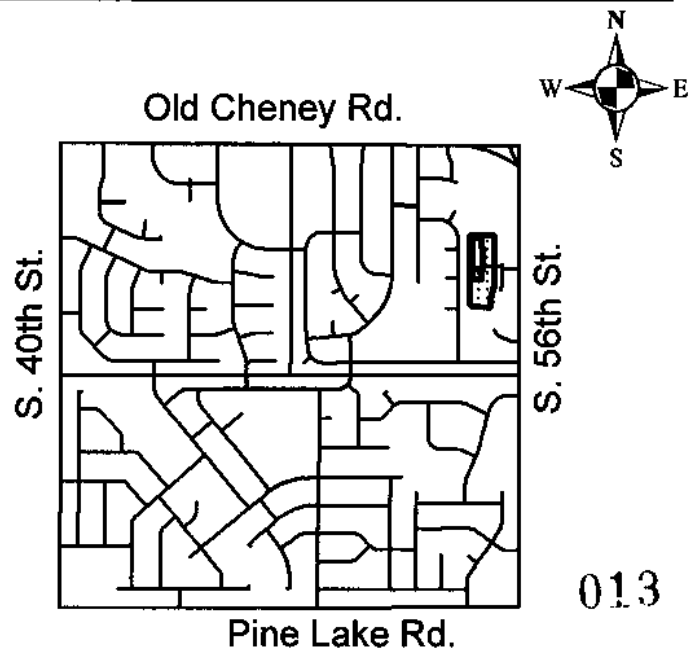
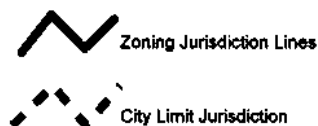


## Special Permit #2021 S. 56th & Waltz Rd.

### Zoning:

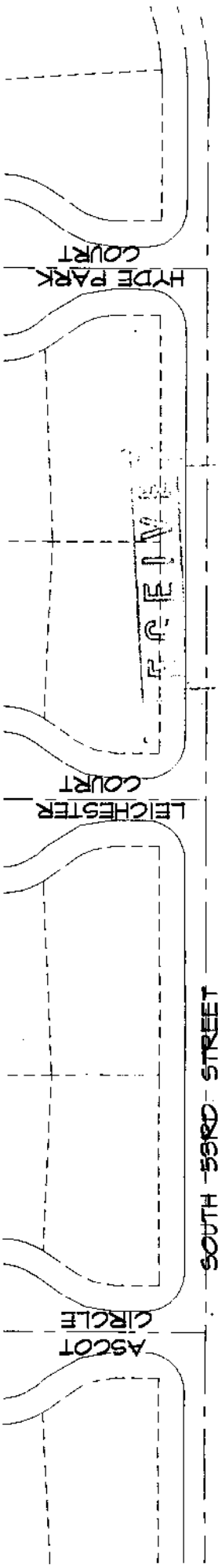
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile  
Sec. 17 T9N R7E



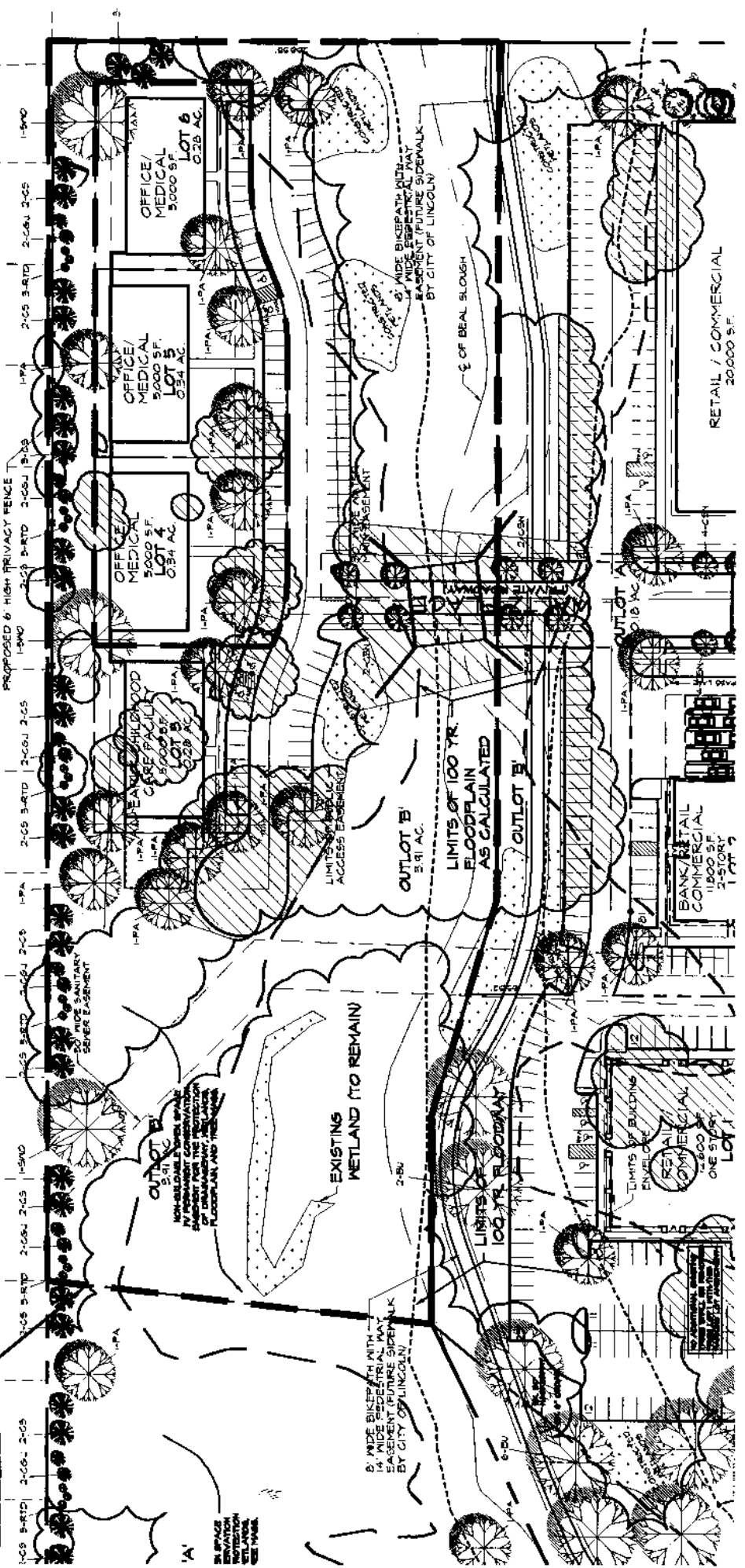
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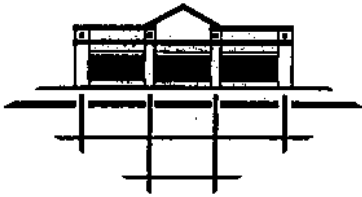




MAY 14 2003

# LIMITS OF SPECIAL PERMIT





# BRIAN D. CARSTENS AND ASSOCIATES

LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN

601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

May 14, 2003

Mr. Marvin Krout  
Director of Planning  
City of Lincoln/ Lancaster County  
555 South 10th Street  
Lincoln, NE 68508

RE: COUNTRY PLAZA - SOUTH 56TH STREET AND WALTZ ROAD  
SPECIAL PERMIT - EARLY CHILDHOOD CARE FACILITY

Dear Mr. Krout,

On behalf of Truax Homes, we submit the above mentioned special permit for your review. Country Plaza is located directly west of South 56th Street and Waltz Road, approximately 1/8 mile south of Old Cheney Road. The area of the special permit is currently zoned 'R-T'.

We are proposing Special Permit for an "Early Childhood Care Facility" in a building currently under construction at 6021 South 56th Street. The facility will have 100 children and have a maximum of 15 employees per shift. The number of children may decrease and the employee number may increase due to actual program requirements.

The private roadway adjacent to the proposed facility has been extended to include a turnaround.

Please contact me if you have any further questions or comments.

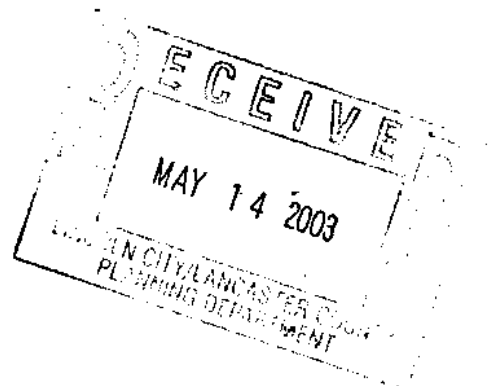
Sincerely,

Brian D. Carstens

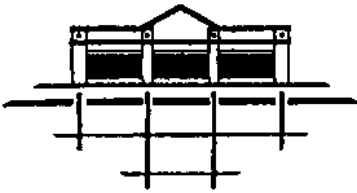
cc: Bill Krein  
Al Truax

ENCLOSURES:

- 24 Copies of Sheet 1 of 4
- 8 copies of Sheet 2 through 4 of 4
- Application for a Special Permit
- Application Fees of \$585.00
- 6 copies of Early Childhood Care Facility Information  
(Photo's, Floor Plan, Program/Business Plan)
- Certificate of Ownership
- 8-1/2" x 11" reductions of the Site Plan and Landscape Plan







# BRIAN D. CARSTENS AND ASSOCIATES

LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN

601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

May 28, 2003

Mr. Marvin Krout  
Director of Planning  
City of Lincoln/ Lancaster County  
555 South 10th Street  
Lincoln, NE 68508

RE: COUNTRY PLAZA - SOUTH 56TH STREET AND WALTZ ROAD  
SPECIAL PERMIT - EARLY CHILDHOOD CARE FACILITY

Dear Mr. Krout,

On behalf of Truax Homes, we submit the above mentioned special permit for your review. Country Plaza is located directly west of South 56th Street and Waltz Road, approximately 1/8 mile south of Old Cheney Road. The area of the special permit is currently zoned 'R-T'.

We are proposing Special Permit for an "Early Childhood Care Facility" in a building currently under construction at 6021 South 56th Street. The facility will have 100 children and have a maximum of 15 employees per shift. The number of children may decrease and the employee number may increase due to actual program requirements.

The private roadway adjacent to the proposed facility has been extended to include a turnaround.

We are requesting a waiver of the requirement that "facilities with more than 31 children shall be located on an arterial street" as per chapter 27.63.070 3 (c) of the LMC. This facility takes access to Waltz Place (a private roadway) that connects to South 56th Street. The building is actually 'addressed' off of South 56th Street.

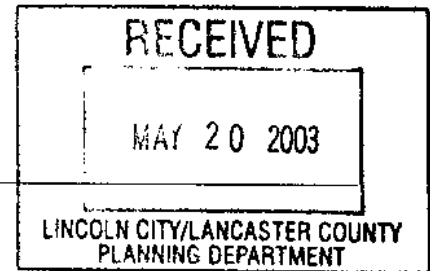
Please contact me if you have any further questions or comments.


Sincerely,

Brian D. Carstens

cc: Bill Krein  
Al Truax

# M e m o r a n d u m



**To:** Greg Czaplewski, Planning Department  
**From:**  Dennis Bartels, Public Works and Utilities  
**Subject:** Country Plaza Special Permit  
**Date:** May 16, 2003  
**cc:** Ben Higgins  
Dale Stertz

Engineering Services has reviewed the Country Plaza Special Permit to allow an early childhood care facility in a building under construction west of 56th Street and Waltz Road and has the following comments:

1. The utility plan for water does not reflect the location of the public water main as requested to be constructed adjacent to Lots 4, 5 and 6.
2. Plan Sheet 3 of 4 references a previously included plan for improvements required along the Beals Slough channel. My understanding was that the 100 year flood plain calculations were based upon cross-sections assuming this work to be done. This plan sheet 3A reference needs to be made part of this plan set. This work must be done prior to occupancy of the building in question.
3. The proposed child care facility is proposed on the west side of Beals Slough. The only access to the center is Waltz Place which crosses Beals Slough. The 100 year flood plain information appears to indicate that the flood water will cross this street and isolate the daycare during 100 year or higher events. Assuming my conclusions about the flood plain are true, I recommend that the appropriateness of a child care facility at this location be discussed.

**PUBLIC WORKS AND  
UTILITIES DEPARTMENT**



**MEMORANDUM**

**Date:** May 22, 2003

**To:** Greg Czaplewski  
**cc:** Ben Higgins, Dennis Bartels

**From:** Devin Biesecker

**Subject:** *Country Plaza*

---

Below are Watershed Management's comments the Country Plaza special permit #2021.  
Comments are based on plans submitted May 14, 2003 to the Planning Department.

1. Watershed Management agrees with the recommendation from Dennis Bartels of not allowing this permit until channel work along Beal Slough is completed from a previous permit.

**IMPORTANT****ATTENTION TO ALL PERMITTING BUILDING PERMITS AND JOB ADDRESS**

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

**PERMIT REVIEW COMMENTS**Permit # **DRF03048**

Address

Job Description: Development Review - Fire

Location: COUNTRY PLAZA

Special Permit: Y 2021

Preliminary Plat:

Use Permit:

CUP/PUD:

Requested By **GREG CZAPLEWSKI**

Status of Review: Denied

05/15/2003 11:45:11 AM

Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments: Architect sill need to submit plans to building & safety to check building for complince for use as a day care.

**Current Codes in Use Relating to Construction Development in the City of Lincoln:**

2000 International Building Code and Local Amendments  
 2000 International Residential Code and Local Amendments  
 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)  
 1989 Fair Housing Act As Amended Effective March 12, 1989  
 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards  
 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)  
 1999 National Electrical Code and Local Amendments  
 1997 Uniform Mechanical Code and Local Amendments  
 1994 Lincoln Gas Code  
 1994 NFPA 101 Life Safety Code  
 2000 Uniform Fire Code and Local Amendments  
 Applicable NFPA National Fire Code Standards

**RECEIVED**

MAY 15 2003

LINCOLN CITY/LANCASTER COUNTY  
PLANNING DEPARTMENT

020



**MICHAEL WOOLMAN**  
<lpd737@CJIS.CI.LIN  
COLN.NE.US>

05/22/2003 02:08 PM

To: Greg Czaplewski <Gczaplewski@ci.lincoln.ne.us>  
cc:  
Subject: Country Plaza

Mr. Czaplewski,

The Lincoln Police Department does not object to the Country Plaza SP #2021 as long as the "Early Childhood Care Facility" has the required parking stalls for their staff and clients. The site plan does not show designated parking stalls for staff and clients of the Childhood Care Facility.

Sergeant Michael Woolman  
Lincoln Police Department

# Memo



**To:** Greg Czaplewski, Planning Department

**From:** Mark Canney, Parks & Recreation

**Date:** May 20, 2003

**Re:** Country Plaza, SP 2021

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Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

1. Snowdrift Crabapple is not an acceptable tree species by the City of Lincoln due to high susceptibility to Fireblight. Please consider using Professor Springer Crabapple, Sugar Tyme Crabapple or Donald Wyman Crabapple as an alternative.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

**TO:** Greg Czaplewski

**DATE:** May 27, 2003

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder

**ATTENTION:**

**DEPARTMENT:** Health

**CARBONS TO:** Bruce Dart, Director  
EH File  
EH Administration

**SUBJECT:** Country Plaza  
SP #2021

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the special permit application for the proposed childcare facility with the following items noted:

- The proposed facility does not have arterial street frontage. This is not in conformance with the City of Lincoln Design Standards 3.90 Section 1.3 - Facilities with 31 or more children.
- The applicant did not submit a site plan showing the proposed building after the child care facility has left showing the layout for a residential use allowed by right in the abutting district or an elevation of the proposed building for any side facing a public or private street. These items are required by City of Lincoln Design Standards 3.90 Section 3.1.
- The applicant should specify "drop-off" only parking spaces directly in front of the main entrance so that children do not cross through the parking lot to enter the facility.

ITEM NO. 3.2: SPECIAL PERMIT NO. 2021  
(p.63 - Public Hearing - 6/11/03)

cc: Planning Commission  
Public Works, Law

## **SPECIAL PERMIT #2021- EARLY CHILDHOOD CARE FACILITY MOTIONS TO AMEND**

### **SPECIAL PERMIT #2021 -COMMUNITY UNIT PLAN**

~~1.1.7 The building and playground for the childcare facility located on the same lot, as approved by a filed final plat.~~

~~1.5 Provide documentation for the approval of the Lincoln-Lancaster County Health and Fire Departments to resolve any safety concerns related for the potential for flooding.~~

~~1.7 Obtain approval and filing of a plat showing the building and playground area for the childcare facility on the same lot.~~

~~1.8 Submit building plans acceptable to the Building and Safety Department and Fire Department to review for compliance for use as a childcare facility.~~

3. Before receiving building permits for the interior of the building:

~~3.2 Pursuant to Special Permit #1855, Use Permit #138 and sheet 3A to be submitted, complete the improvements to the Beal Slough channel as shown on Sheet 3A and in compliance with the Beal Slough Basin Stormwater Master Plan.~~

~~3.5 Final Plats shall be approved by the City. Obtain approval and filing of a plat showing the building and playground area for the childcare facility on the same lot.~~

~~3.7 Provide a "Emergency Evacuation Plan" for the approval of the Lincoln-Lancaster County Health and Fire Departments to resolve any safety concerns related for the potential for flooding.~~

~~3.8 Submit building plans acceptable to the Building and Safety Department and Fire Department to review for compliance for use as a childcare facility.~~

